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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 WELLS FARGO BANK, N.A.,

7 Plaintiff,

8 v.

C19-1857 TSZ

9 MEEEL, INC.; VLADISLAV A.
10 MOKSHIN; and PW FUNDING II
LLC,

MINUTE ORDER

11 Defendants.

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Plaintiff's motion to deliver funds to defendant PW Funding II LLC, docket
no. 15, is DENIED. Plaintiff has not established that the Court has jurisdiction over this
15 matter. An interpleader action may proceed in federal court under either (i) Federal Rule
of Civil Procedure 22, or (ii) 28 U.S.C. § 1335. Under Rule 22, deposit of the entire sum
16 in dispute is not required, but a basis for jurisdiction independent of the interpleader is
needed. See McKeithen v. S.S. Frosta, 75 F.R.D. 7, 10 n.3 (E.D. La. 1977). Plaintiff has
17 alleged no separate federal question in this matter and, although the parties are diverse,
the amount in controversy does not exceed the \$75,000 jurisdictional threshold. Thus,
18 Rule 22 is not applicable, and the criteria of 28 U.S.C. § 1335 must be satisfied to confer
subject matter jurisdiction on the Court. Plaintiff, however, has not complied with the
19 statutory requirement of depositing into the Registry of the Court the funds at issue or
providing an appropriate bond, and the Court therefore lacks jurisdiction. See 28 U.S.C.
20 § 1335(a)(2); see also State Farm Life Ins. Co. v. Jonas, 775 F.3d 867, 869 (7th Cir.
2014); Fed. Ins. Co. v. Tyco Int'l Ltd., 422 F. Supp. 2d 357, 395-96 (S.D.N.Y. 2006);
21 Schneider v. Cate, 405 F. Supp. 2d 1254, 1267 (D. Col. 2005). Even if the Court had
jurisdiction, it would not disburse funds from the Registry of the Court in the absence of
22 a properly served and noted motion under Local Civil Rule 67 and entry of a judgment
via default or otherwise.

(2) This case will be dismissed without prejudice for lack of subject matter jurisdiction unless, within fourteen (14) days of the date of this Minute Order, plaintiff deposits the entire sum in dispute into the Registry of the Court or posts a bond in an amount approved by the Court.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 24th day of February, 2020.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk